

**Carlisle Conservation Commission**  
**June 10, 2010**

Pursuant to the notice filed with the Town Clerk, Chair Peter Burn called the meeting to order in the Clark Room at the Carlisle Town Hall at 7:30 p.m. Also present were Vice Chair Guarino and Commissioners Tom Brownrigg, Jen Bush, Debra Kimbrell Anderson, Diane Troppoli and Tricia Smith (8:10 p.m.) and Conservation Administrator Sylvia Willard.

**Bills, General Agenda Items, New Business:**

**Conservationist of the Year:** Burn moved to nominate Tricia Smith for the Conservationist of the Year Award. Brownrigg seconded and all attending voted in favor. The nomination was made in light of the fact that Smith is retiring after having served over twelve years on the Commission and following the submission of several citizen nominations, including that submitted by Planning Board Chair David Freedman.

**Open Meeting Law Changes:** Information relative to the changes to the Open Meeting Law that is being revised as of July 1, 2010 was included with the meeting materials. There was a brief discussion with regard to the changes in allowed communications outside of official meetings and expanded requirements relative to the documentation that will be required for the permanent record of the meetings.

**Certificates of Compliance:**

**(DEP 125-860) Project: Septic System, removal of sheds & tree; Location: 210 Concord St.; Issued 6/10/2009:** Subsequent to Willard's report that the project had been completed substantially in compliance with the Plan of Record with the exception of the removal of a willow tree, which was left in place, *Bush moved to issue a Certificate of Compliance for DEP #125-0860, Brownrigg seconded and all attending voted in favor.*

**(DEP 125-0880) Project: Tree removal; Location 784 North Road; Issued: 2/18/2010:** Subsequent to Willard's report that she found the project area to be fully stabilized following the completion of the project in accordance with the Plan of Record, *Bush moved to issue a Certificate of Compliance, Guarino seconded and all attending voted in favor.*

**Minutes:**

**Reopen and Amend Minutes:** *Guarino moved to reopen and amend the minutes of December 17, 2009 in order to reflect a correction relative to the attendance of Debra Kimbrell Anderson, who became a member as of December 14, 2010 and was present for the meeting. Troppoli seconded the motion and all attending voted in favor.*

**Mowing Contracts - Towle Field and Benfield Conservation Lands:** *Smith moved to accept the proposal submitted for the Towle (\$1781) and Benfield (\$903) mowing contracts submitted by Jack O'Connor, Guarino seconded and all attending voted in favor.*

**DEP Circuit Rider Program:** The Commission agreed to submit a letter in support of the DEP Circuit Rider Program, which is slated to be discontinued as of July 1, 2010 due to funding constraints. 8:00 p.m. Hanover Hill Subdivision - Discussion of Current Issues:

**Haybale/siltation removal:** Representing the applicant, Wilkins Hill Realty LLC, Rob West was present to put forth a request to remove haybale siltation barriers in several areas where proposed work has been completed and which are now fully stabilized. He supported his request with a site plan he had highlighted denoting the areas where the removal is being proposed, and he confirmed that the applicant is planning no future work in those locations. West agreed to provide a copy of the Plan for the record. Willard confirmed that the proposed areas were satisfactorily vegetated upon her inspection, and although the OOCs normally require that the entire project be completed and a COC issued prior to removal of haybale siltation barriers, the Commission has occasionally allowed partial removal in the past under certain circumstances, particularly for larger projects.

**Restoration Plan for Hanover Hill Wetland Crossing:** George Dimakarakos of Stamski and McNary presented a Wetland Crossing Stabilization and Restoration Plan being proposed in order to address the damage caused by a washout that occurred around the bridge abutments at the wetland crossing following recent heavy rain events. The Plan proposes to undertake the repair work in stages in order to avoid possible future flood damage, starting with the removal of the sandy backfill that had been used and replacing it with well-graded till material in order to ensure good compaction. The Plan notes that the town's engineering consultant, Steve Ventresca of Nitsch Associates, must approve the material prior to placement and will monitor the progress of each stage of the restoration work. The backfill would then be covered with a final layer of well-graded riprap as specified on the Plan. Relative to the removal of the sand that eroded downstream when the washout occurred, the representative proposed setting up a crane on Lot 13, which is currently under construction, in order to do the removal from overhead, taking the material off site as it is excavated. The Commission determined that a memorandum from the site contractor John Durkin of Onxy Trucking documenting the proposed removal process would be required.

*Guarino moved to allow removal of the haybale/siltation barriers as noted on the Siltation Barrier Removal Plan dated 8/24/2007, revised 5/1/2008, 6/3/2008 and at 6/10/2010, and to accept the Stabilization Plan dated May 25, 2010, with the understanding that a memo from the contractor will be forth coming describing the removal process of the sand material that had washed downstream. Smith seconded and all attending voted in favor.*

**8:20 p.m. (DEP 125- ) Notice of Intent**

**Applicant: George Lohrer**

**Project Location: 125 South Street**

**Project Description: Remediation of an Oil Spill**

Burn opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Senior Environmental Scientist Paul McManus of EcoTec, Inc. was present on behalf of the applicant to provide an overview of the Notice of Intent submitted in order to continue remediation work associated with a home heating oil leak discovered on April 12, 2010.

Upon notification of the spill, the DEP had verbally authorized Immediate Response Action provisions of the Massachusetts Contingency Plan (MCP) Regulations as proposed by Licensed Site Professional (LSP) Cosmo Gallinaro of Common Sense Environmental, including pumping and appropriate disposal of visible petroleum from standing water in the wetlands; placement of oil absorbent materials in the wetland; construction of an interceptor trench below the release location and excavation and appropriate disposal of up to 500 cubic yards of contaminated soil.

An Emergency Certificate (EC) was issued on April 14, 2010 by the Commission in order to allow the initiation of site remediation activities. Because the EC was valid for only 30 days, an Enforcement Order dated 5/19/10 was issued by the Commission to allow removal of approximately 450 cubic yards contaminated soil and remediation and restoration of the area within the 100-foot BZ and within the resource area, to be carried out under the Massachusetts Contingency Plan by the Licensed Site Professional.

The following additional activities are being proposed under the Notice of Intent, in order to satisfy the MCP requirements: removal of approximately 5 cubic yards of oil contaminated soil in the wetlands area to the south of Fifty Acre Way and any additional areas of soil removal as required to be handled and restored as proposed in the NOI; installation of nine groundwater monitoring wells and a groundwater treatment system. The monitoring wells would be installed in the excavation area during backfilling operation and installation of the groundwater treatment system, which will address residual contamination of groundwater. Once the groundwater monitoring wells are installed, quarterly sampling would be conducted for a period of one year to determine water quality with respect to petroleum products. All remediation waste would be collected and properly disposed of in accordance with all applicable regulations. All work will be supervised by the LSP.

Proposed site restoration includes bringing the excavated area to sub grade one foot below proposed final grade; organic topsoil will be brought to the site in sufficient quantity to provide suitable cover throughout the excavated area; planting

of disturbed BVW and BZ restoration areas will be conducted as specified in the NOI. Post remediation monitoring will occur a minimum of one full year after planting.

Responding to an inquiry from Smith relative to whether the wells in the surrounding area had been tested, Gallinaro stated that continued monitoring will be necessary in order to ensure that there are no detectable concentrations of petroleum products in the groundwater or wetlands.

The Commission agreed with Guarino's suggestion to obtain written permission from abutting property owners in order to allow testing of their groundwater for monitoring purposes and any remediation work that may be deemed necessary,

Willard raised the issue to whether the Bylaw Fee should be doubled given the fact that this is required when a filing is submitted after work commences. Given that it was obviously an unintentional act, *Smith moved to waive to the requirement of doubling fees associated with the filing, Guarino seconded and all attending voted in favor.*

Burn noted that the Commission could not officially close the hearing due to the lack of a DEP# and pending a response from NHESP relative to their MESA review of the NOI required due to the fact that the project area includes Priority and Estimated Habitat for the Blue-Spotted Salamander. Given that the site contractors are now close to an actual restoration of preexisting soils and topography and would ideally begin implementation of the planting plan as soon as possible, *Smith moved to allow the applicant to proceed with the implementation of the remediation and restoration plan prior to the close of the hearing pending a DEP file number and pending receipt of abutter letters where work has been proposed; Troppoli seconded and all attending voted in favor.*

The hearing was continued to June 24, 2010 at 8:15 p.m. with the representative's approval.

**9:00 p.m. (DEP 125-0878) Notice of Intent, Continued Hearing**

**Applicant: Philip Giffie, Neighborhood of Affordable Housing, Inc, (NOAH)**

**Project Location: South Street**

**Project Description: Residential community consisting of 26 residential rental units & associated site improvements including drives, parking, stormwater management, on-site septic and water supply**

Burn opened the continued hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw.

Toby Kramer of NOAH stated that the Commission had requested additional review time at their previous meeting. Civil Engineer Wayne Keefner of Meridian Associates reported that they had met with the ZBA and they now have all material submitted to all boards.

Responding to an inquiry from Guarino relative to the status of the construction access easements that will be required, Keefner reported that there is a group of concerned parties including members of CCF and the Housing Authority currently working on developing the framework for those easements subsequent to Meridian providing them with a preliminary conceptual diagram of what they believed those easements should look like for construction/access purposes. It was noted that those documents do not need to be finalized prior to the close of the public hearing.

Willard addressed several questions relative to the final Plan including pedestrian access to the Benfield Conservation Land, handicapped parking, lighting, dust control procedures, and stockpiling requirements.

The draft Order of Conditions that had been prepared by Willard was reviewed in detail, with several conditions being deemed more appropriately placed within the ZBA document. It was agreed that the hearing could be closed with the final draft of the OOCs to be reviewed by the Commission at the next meeting.

*Smith moved to close the hearing for DEP #125-0878, Guarino seconded and all attending voted in favor. Smith moved to issue a Standard Order of Conditions with Special Condition #'s 2, 12, 13, 14 and 15 from the draft OOC document as discussed and with the following Findings: (1) the stream located westerly of Lot 1 near South Street is Intermittent;*

*(2) the BVW for 545 South Street and located on the Plan of Record had not been approved by the Commission. Guarino seconded and all attending voted in favor.*

**(DEP 125-0854) Non-Pickup of OOC and amended Enforcement Order:** Willard reported that the property owner had not picked up the Orders of Conditions and that had been mailed via certified mail. The Commission recommended that Willard contact DEP for guidance.

**MacAfee Land Restoration Plan:** The Commission discussed the proposed restoration document submitted by LSC co chairs Dwight DeMay and Liz Carpenter subsequent to the discovery of unauthorized tree removal, excavation and soil stockpiling on a portion of the Town-owned Conservation land. Kimbrell Anderson had provided several recommendations to the draft including suggestions relative to the selection of tree species for replanting. Brownrigg suggested recruiting volunteers to assist with replanting.

*10:40 p.m. Smith moved to adjourn, Brownrigg seconded and all attending voted in favor.*

**Respectfully submitted,  
Mary Hopkins**